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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/643,653

08/19/2003

Joshua D. Posamentier

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7590

06/17/2005

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EXAMINER

VAN ROY, TOD THOMAS

ART UNIT

PAPER NUMBER

2828

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/643,653	<b>Applicant(s)</b> POSAMENTIER, JOSHUA D.	
	<b>Examiner</b> <i>TS</i> Tod T. Van Roy	<b>Art Unit</b> 2828	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08/19/2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Priority***

The examiner notes that if the applicant wishes to obtain the older CIP date they must file a petition to correct the date in question. Please see the "Response to Request for Corrected filing Receipt" document mailed 04/07/2004.

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Page 12 [0033] states #314 which is not found in the drawings. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The disclosure is objected to because of the following informalities:

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Page 12 [0034] states "transponder #410", and is believed to be referring to transponder #412.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, and 8-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Hongo et al. (US 2004/0028099).

With respect to claim 1, Hongo discloses a method, comprising: converting an optical beam emitted from a laser to a current proportional to a power of the optical beam using a monitor photodiode ([0035] lines 10-12); adjusting the current from the monitor photodiode up or down using a thermistor and resistor network to compensate for a change in optical fiber tracking ([0038] lines 2-10); adjusting the current from the monitor photodiode up or down using an automatic power control loop in response to a change in temperature using an automatic power control loop ([0038] lines 2-6); processing the current adjusted by the thermistor and resistor network with the current adjusted by the automatic power control loop ([0039] lines 6-11); and applying the

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processed currents to the laser to change the power of the optical beam emitted from the laser ([0038] lines 1-2).

With respect to claims 2 and 4, Hongo discloses the method outlined in the rejection to claim 1 and further discloses the optical beam to be emitted from the back facet and that a constant ratio of power between the front and back facets be maintained ([0038] lines 16-20), and the output from the front facet of the laser be coupled into an optical fiber ([0036] lines 18-22).

With respect to claim 3, Hongo discloses the method outlined in the rejection to claim 1 and further discloses applying the processed currents to the laser to adjust the power of the optical beam emitted from the front facet ([0035] lines 7-10, abs. 11-14).

With respect to claims 8 and 9, Hongo discloses an apparatus, comprising: a laser to emit an optical beam (fig.3 #2); a photodiode coupled to receive the optical beam from the laser and to convert the optical beam to a current (fig.3 #4); first circuitry coupled to receive the current and to adjust the current as temperature changes (fig.3 #14, coupled through resistor R2 and thermistor #5); and second circuitry coupled to receive the adjusted current and to provide the adjusted current to the laser (fig.3 #13,14) to adjust power in the optical beam emitted by the laser.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hongo in view of Gilliland et al. (US 5812582).

With respect to claim 5, Hongo teaches the method as outlined in the rejection to claim 1 above, but does not teach coupling the optical beam to the photodiode using lens backscatter. Gilliland teaches a vertical cavity surface emitting laser (VCSEL) system using a feedback method wherein backscatter is used to provide the optical signal to the monitor photodiode (col.7 lines 35-41). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of Hongo with the backscatter signal of Gilliland in order to allow for flexibility in the system design, namely, allowing for alternative components to be placed near to the back or bottom facet of the laser diode device.

With respect to claim 6, Hongo and Gilliland teach the method as outlined in the rejection to claim 5, and further teach applying the processed currents to adjust the power emitted from the top facet of the laser (Hongo, abs. lines 11-14; Gilliland, fig.1 where top facet is only output of device).

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With respect to claim 7, Hongo and Gilliland teach the method as outlined in the rejection to claim 6, and further teach a constant ratio of power between the output facet and that monitored by the photodiode be maintained ([0038] lines 16-20), and the output from the front facet of the laser be coupled into an optical fiber ([0036] lines 18-22).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hongo in view of Queniat et al. (US 5383208).

With respect to claim 10, Hongo teaches the apparatus as outlined in the rejection to claim 9 above, including the second circuitry (fig.3 #11,13) having a current gain device (fig.3 #13-A2 op amp) having a first and second input, where a second input is coupled to the thermistor network. Hongo does not teach the first input of the gain device to be coupled to a digital to analog converter. Queniat teaches a device for controlling laser diodes wherein a digital to analog converter is used (Queniat, fig.6 #161). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the current gain device input of Hongo with the digital to analog converter of Queniat in order to allow for the input of a control signal from a digital controller (Queniat, col.4 lines 57-65) in place of a fixed reference voltage based on Hongo's fig.3 R3 and R4 values (Hongo, [0060]).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hongo in view of Queniat and further in view of Ikeuchi et al. (US 6795656).



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With respect to claim 11, Hongo and Queniat teach the laser apparatus as outlined in the rejection to claim 10, but do not specify the thermistor to have a negative temperature coefficient. Ikeuchi teaches a semiconductor laser feedback system which utilizes a thermistor with a negative temperature coefficient (col.11 lines 4-10). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the laser apparatus of Hongo and Queniat with the negative temperature coefficient thermistor of Ikeuchi so at a higher temperature the adjusting value of the power control signal will be higher than the initial state, which will increase the drive current to the device and prevent an optical power decrease (Ikeuchi, col.11 lines 10-15).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hongo in view of Queniat and further in view of Ouchi et al. (US 6055251).

With respect to claim 12, Hongo and Queniat teach the laser apparatus as outlined in the rejection to claim 10, including the diode laser to be un-cooled (Hongo, abs. lines 4-5), but do not specify the semiconductor laser to be a distributed feedback laser. Ouchi teaches a semiconductor laser feedback system wherein a distributed feedback laser is used (col.7 lines 40-45). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the laser apparatus of Hongo and Queniat with the distributed feedback laser of Ouchi in order to obtain a single mode (Ouchi, col.1 lines 31-34) to allow for proper coupling to a fiber waveguide.



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Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hongo in view of Queniat and further in view of Gilliland.

With respect to claim 13, Hongo and Queniat teach the laser apparatus as outlined in the rejection to claim 10, including the diode laser to be un-cooled (Hongo, abs. lines 4-5), but do not specify the semiconductor laser to be a VCSEL. Gilliland teaches a vertical cavity surface emitting laser (VCSEL) system using a feedback apparatus. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the laser apparatus of Hongo and Queniat with the VCSEL of Gilliland in order to allow for easier coupling to fiber optic waveguides due to the VCSEL's low beam divergence.

Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. (US 6621621) in view of Hongo.

With respect to claims 14-16, Jones teaches a system (fig.1) comprising a transponder (col.7 lines 2-6), an EDFA coupled to the transponder (col.18-21), a multiplexer coupled to the EDFA (fig.1 #D), and an additional add-drop multiplexer coupled to the EDFA (fig.2a OADM-right side). Jones does not teach using a laser to emit light, a photodiode coupled to receive light from the laser and to convert the light to a current, first circuitry coupled to receive the current and to adjust the current as temperature current and to changes, and second circuitry coupled to receive the adjusted provide the adjusted current to the laser to adjust light emitted by the laser. Hongo teaches using a laser to emit an optical beam (fig.3 #2); a photodiode coupled to

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receive the optical beam from the laser and to convert the optical beam to a current (fig.3 #4); first circuitry coupled to receive the current and to adjust the current as temperature changes (fig.3 #14, coupled through resistor R2 and thermistor #5); and second circuitry coupled to receive the adjusted current and to provide the adjusted current to the laser (fig.3 #13, 14) to adjust power in the optical beam emitted by the laser. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system of Jones with the apparatus of Hongo in order to utilize the coherent optical signal of the laser as a transmitter and further to utilize the feedback system without needing to control the emitter temperature (Hongo, abs. lines 4-5).

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tod T. Van Roy whose telephone number is (571)272-8447. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minsun Harvey can be reached on (571)272-1835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TVR

  
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for  
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